

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MISSOURI  
EASTERN DIVISION**

In re:

ABENGOA BIOENERGY US HOLDING,  
LLC, *et al.*,

Debtors.

Chapter 11

Case No. 16-41161-659

(Jointly Administered)

Hearing Date and Time:  
August 16, 2017 at 10:00 a.m. (CT)

Objection Deadline:  
TBD

Hearing Location:  
Courtroom 7 North

**MOTION OF THE DEBTORS AND DEBTORS IN POSSESSION  
FOR ENTRY OF AN ORDER SETTING AN EXPEDITED HEARING ON THE  
COMBINED FOURTH INTERIM AND FINAL APPLICATION FOR ALLOWANCE OF  
FEES AND EXPENSES FILED BY DLA PIPER LLP (US), ATTORNEYS FOR THE  
DEBTORS AND DEBTORS IN POSSESSION FOR INTERIM COMPENSATION  
PERIOD OF FEBRUARY 1, 2017 THROUGH JULY 6, 2017 AND FINAL  
COMPENSATION PERIOD OF FEBRUARY 24, 2016 THROUGH JULY 6, 2017**

Abengoa Bioenergy US Holding, LLC and its debtor affiliates, as debtors and debtors in possession in the above-captioned Chapter 11 cases (collectively, the “Debtors”), hereby move this Court (the “Motion”) for entry of an order setting an expedited hearing on the *Combined Fourth Interim and Final Application for Allowance of Compensation for Services Rendered and for Reimbursement of Expenses As Counsel to the Debtors for the Interim Compensation Period of February 1, 2017 Through July 6, 2017 and Final Compensation Period of February 24, 2016 to July 6, 2017* (the “Application”). In support of this Motion, the Debtors respectfully represent as follows:

## **JURISDICTION**

1. This Court has jurisdiction to consider this matter pursuant to 28 U.S.C. §§ 157 and 1334. Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409. This matter is a core proceeding pursuant to 28 U.S.C. § 157(b).

## **BACKGROUND**

2. On February 24 or June 12, 2016, as applicable, the Debtors each filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code (collectively, the “Chapter 11 Cases”). The Chapter 11 Cases are jointly administered pursuant to Bankruptcy Rule 1015(b).

3. On March 11, 2016, the United States Trustee appointed the Official Committee of Unsecured Creditors (the “Committee”). No trustee or examiner has been appointed in these Chapter 11 Cases.

4. Additional information about the Debtors’ business operations, their capital and debt structures, and the events leading to the filing of these Chapter 11 Cases, is set forth in detail in the *Declaration of Sandra Porras Serrano in Support of Chapter 11 Petitions and First Day Pleadings* [Docket No. 12] and the *Supplemental Declaration of Sandra Porras Serrano* [Docket No. 373] and fully incorporated herein by reference.

5. On January 25, 2017, the Plan Proponents filed the *Joint Plans of Liquidation of the Debtors and the Official Committee of Unsecured Creditors under Chapter 11 of the Bankruptcy Code* [Docket No. 939] along with the *Disclosure Statement Pursuant to Section 1125 of the Bankruptcy Code* [Docket No. 940]. These filings were subsequently amended and modified from time-to-time and as referenced below.

6. On February 27, 2017, the Plan Proponents filed the *Third Amended Joint Plans of Liquidation of the Debtors and the Official Committee of Unsecured Creditors under Chapter 11 of the Bankruptcy Code* (as may be further amended and supplemented from time to time, the “Plan”)<sup>1</sup> [Docket Nos. 1022, 1070 (as corrected)] and the *Third Amended Disclosure Statement Pursuant to Section 1125 of the Bankruptcy Code* (as may be further amended and supplemented from time to time, the “Disclosure Statement”) [Docket Nos. 1023, 1071 (as corrected)].

7. On June 6, 2017 at 9:00 a.m. (CT), the Court held a hearing on confirmation of the Plan (the “Confirmation Hearing”). Following the Confirmation Hearing, the Court entered the *Order Confirming Third Amended Joint Plans of Liquidation of the Debtors and the Official Committee of Unsecured Creditors under Chapter 11 of the Bankruptcy Code* [Docket No. 1443]. On July 6, 2017, the Debtors filed the *Notice of (I) Entry of Confirmation Order, (II) Occurrence of Effective Date Under the Third Amended Joint Plans of Liquidation of the Debtors and the Official Committee of Unsecured Creditors Under Chapter 11 of the Bankruptcy Code, (III) Deadline to File Requests for Payment of Administrative Claims, (IV) Deadline for Professionals to File Final Fee Applications Pursuant to Sections 328, 330 and 503(b) of the Bankruptcy Code and (V) Deadline to File Claims Arising from Rejection of Executory Contracts or Unexpired Leases* [Docket No. 1458] (the “Notice of Effective Date”).

8. On July 17, 2017, several of the Debtors’ professionals filed applications seeking approval of their fees on a final basis [Docket Nos. 1469, 1470, 1471, 1474]. Those applications are set for the August 16, 2017 omnibus hearing and, at the request of the United States Trustee, the objection period was extended August 9, 2017.

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<sup>1</sup> Capitalized terms used but not defined in this Motion shall have the meanings ascribed to them in the Application.

**RELIEF REQUESTED**

9. By this Motion, and pursuant to section 105(a) of the Bankruptcy Code, Bankruptcy Rule 9019, and Local Rule 9013-2(A), the Debtors seek entry of an order shortening the notice period under Local Rule 2016-1 and allowing the Application to be heard on August 16, 2017 at 10:00 a.m. (prevailing Central Time) with objections to the Application due August 9, 2017, and granting such other and further relief as this Court deems just and proper.

**BASIS FOR RELIEF REQUESTED**

10. Local Rule 9013-2(A) provides that an expedited hearing may be granted upon a movant's "written motion, setting forth the reason the matter should be heard on an expedited or emergency" basis. Additionally, section 105(a) of the Bankruptcy Code provides this Court with the power to set an expedited hearing on the Settlement Motion. Section 105(a) provides, in pertinent part, that a bankruptcy court "may issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of [the Bankruptcy Code]." 11 U.S.C. § 105(a).

11. This Court should allow the Application to be heard together with the other professionals' pending final fee applications at the omnibus hearing scheduled for August 16, 2017. The objection deadline for the other pending final fee applications has been extended to August 9, seven days before the fee hearing. Setting the Application for the August 16 hearing, with objections due August 9, in effect reduces only the two-week period that the Debtors would otherwise have to respond to objections; the United States Trustee still receives the same 16-day review period provided by the Local Rules. In addition, allowing the Application to be heard on August 16 will finalize the amount of Debtors' counsel's administrative claim, which should allow the Liquidating Trustee to make distributions to creditors more quickly. Therefore, the

requested relief is in the best interests of the Debtors, their estates, and other parties in interest and should be granted.

**NOTICE**

12. Consistent with the *Order Establishing Certain Notice, Case Management and Administrative Procedures* on April 22, 2016 [Docket No. 255], the Debtors will serve notice of this Motion on the Core Parties (as defined in the Case Management Order). In addition, all parties who have requested electronic notice of filings in these cases through the Court's ECF system will automatically receive notice of this Motion no later than the day after its filing with the Court. Moreover, a copy of this Motion and any Order approving it will be made available free of charge on the Debtors' case information website (located at <https://cases.primeclerk.com/Abengoa>). In light of the nature of the relief requested, the Debtors submit that no other or further notice need be given.

WHEREFORE, the Debtors respectfully request that the Court enter an order granting the requested relief and such other and further relief as this Court deems just and proper.

Dated: July 24, 2017  
St. Louis, Missouri

Respectfully submitted,

**ARMSTRONG TEASDALE LLP**

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